

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TMC OF LEXINGTON FOR )	
AUTHORITY TO REVISE ITS TARIFF, )	
P.S.C. KY. NO. 1, TO OFFER OPERATOR- )	CASE NO.
ASSISTED TELECOMMUNICATIONS SERVICES )	91-126
AND WATS DEDICATED ACCESS SERVICES )	
IN THE COMMONWEALTH OF KENTUCKY )	

O R D E R

This matter arising upon petition of TMC of Lexington ("TMC") filed April 17, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain financial information attached to its application as Exhibit B on the grounds that disclosure of the information is likely to cause TMC competitive injury and to disparage TMC, and it appearing to this Commission as follows:

TMC has filed an application for authority to revise its tariff. In support of its application, TMC has submitted in an attached exhibit certain financial information which it has petitioned be protected from public disclosure as confidential. The petition alleges that the information is not known outside of the business of TMC, is not customarily disclosed to the public, and is known only to TMC employees on a need-to-know basis.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the

party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The petition filed by TMC does not identify TMC's competitors who would benefit from the information, nor does it demonstrate how competitors could use the information. Therefore, the petition satisfies neither test and is insufficient to grant protection to the subject information.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

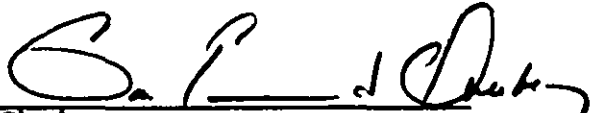
1. The petition for confidential protection of Exhibit B to the application by TMC shall be held in abeyance to allow TMC to supplement its petition with a statement identifying the specific information sought to be protected in its Exhibit B to the application, identifying its competitors who would benefit from the information, demonstrating how the information would benefit its competitors, and otherwise comply with 807 KAR 5:001, Section 7.

2. TMC shall attach to any supplemental petition it files an edited copy of its Exhibit B with the confidential material obscured for inclusion in the public record and shall serve such edited copies on any party of record.


3. If no supplemental statement is filed at the expiration of 15 days, the Exhibit B shall, without further Orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 16th day of May, 1991.

**PUBLIC SERVICE COMMISSION**

  
Chairman

  
Vice Chairman

  
Commissioner

**ATTEST:**

  
Executive Director